UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE at CHATTANOOGA

BERLINDA A. MADDEN,)	
)	
Plaintiff,)	
)	Case No. 1:15-cv-296
v.)	
)	Judge Mattice
MEGAN J. BRENNAN,)	Magistrate Judge Lee
Post Master General United States Post)	
Office Service (Southeast Area),)	
)	
Defendant.)	
)	

ORDER

On November 25, 2015, United States Magistrate Judge Susan K. Lee filed her Report and Recommendation (Doc. 3) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(a). Magistrate Judge Lee recommended that, pursuant to 28 U.S.C. § 1915, Plaintiff's application to proceed *in forma pauperis* be denied because her affidavit in support does not establish that "she is unable to pay the \$400.00 filing free while still affording the necessities of life." (*Id.*). However, in order to accommodate Plaintiff's "strained" financial situation, Magistrate Judge Lee recommended that Plaintiff be permitted to pay the filing free in installments monthly installments of \$100 for four months. (*Id.*). Magistrate Judge Lee also recommended that Plaintiff be required to "provide for her own service of the summons and complaint at her own cost." (*Id.*).

Plaintiff has filed no objections to the Magistrate Judge's Report and Recommendation.¹ Nevertheless, the Court has reviewed the Report and

¹ Magistrate Judge Lee specifically advised Plaintiff that she had 14 days in which to object to the Report and Recommendation and that failure to do so would waive any right to appeal. (Doc. 3 at 2 n.1); *see* Fed.

Recommendation, as well as the record, and it agrees with Magistrate Judge Lee's well-reasoned conclusions.

Accordingly,

- The Court **ACCEPTS** and **ADOPTS** Magistrate Judge Lee's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b);
- Plaintiff's Motion for Leave to Proceed *in forma pauperis* (Doc. 2) is **DENIED**;
- Plaintiff **SHALL** be responsible for payment of the \$400.00 filing fee in this case:
- Plaintiff **SHALL** be permitted to pay such fee in \$100.00 increments, on the following schedule:
 - Plaintiff's first payment SHALL be made no later than February 19, 2016;
 - Plaintiff's second payment SHALL be made no later than March 18, 2016;
 - Plaintiff's third payment SHALL be made no later than April 15, 2016;
 - o Plaintiff's final payment **SHALL** be made **no later than May 13, 2016**;
- The Clerk is hereby **DIRECTED** to issue the summons in this action upon proper presentation by Plaintiff and upon timely receipt of Plaintiff's first \$100.00 installment payment;
- Plaintiff SHALL be responsible for the service of the summons and complaint upon Defendant, pursuant to Federal Rule of Civil Procedure 4, at her own expense;
- Plaintiff is hereby **ON NOTICE** that failure to timely remit any of the above described installment payments will likely result in the immediate dismissal of this action for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b).

R. Civ. P. 72(b)(2); see also Thomas v. Arn, 474 U.S. 140, 148-51 (1985) (noting that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings"). Even taking into account the three additional days for service provided by Fed. R. Civ. P. 6(d), the period in which Plaintiff could timely file objections has now expired.

SO ORDERED this 22nd day of January, 2016.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE